

The opinion in support of the decision being entered today was not written  
for publication and is not binding precedent of the Board.

Paper No. 25

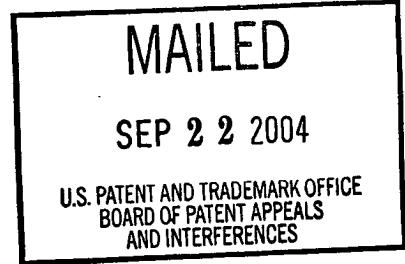
**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte SCOTT ANTHONY MORGAN,  
DAVID JOHN ROBERTS,  
CRAIG ARDNER SWEARINGEN,  
ALAN RICHARD TANNENBAUM, and  
ANTHONY C. C. TEMPLE

Appeal No. 2004-0143  
Application No. 09/213,856

ON BRIEF



Before KRASS, DIXON, and BARRY, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1-3, 5-8, 10-13  
and 15.

The invention is directed to speech analysis. In particular, specified actions are performed on a computer controlled display in response to recognized specific spoken commands. In addition to specific commands, speech terms, i.e., non-commands,

Appeal No. 2004-0143  
Application No. 09/213,856

which are not any of the specific commands directly recognizable by the system, are also detected. The system determines whether these non-command speech terms may have relevance to one of the specified commands and, if so, then displays the relevant command simultaneously with any normally recognized command, giving the user an opportunity to select a relevant command on an equal basis with the normally recognized commands.

Representative independent claim 1 is reproduced as follows:

1. An interactive computer controlled display system with speech command input recognition comprising:
  - means for predetermining a plurality of speech commands for respectively initiating each of a corresponding plurality of system actions,
  - means for providing for each of said plurality of commands, an associated set of non-command speech terms, each term having relevance to its associated command,
  - means for detecting speech command and non-command speech terms,
  - means responsive to a detected speech command for displaying said command, and
  - means responsive to a detected non-command speech term having relevance to one of said commands for displaying the relevant command simultaneously with said detected speech command.

The examiner relies on the following references:

Morin et al. (Morin)	5,748,841	May 5, 1998
Brant et al. (Brant)	5,970,457	Oct. 19, 1999

Appeal No. 2004-0143  
Application No. 09/213,856

Claims 1-3, 5-8, 10-13 and 15 stand provisionally rejected under obviousness-type double patenting over claims 1-15 of related Application Serial No. 09/213,858 in view of Morin.

Claims 1-3, 5-8, 10-13 and 15 stand further rejected under 35 U.S.C. §103 as unpatentable over Brant in view of Morin.

Reference is made to the brief and answer for the respective positions of appellants and the examiner.

#### OPINION

Turning, first, to the provisional rejection of the claims under obviousness-type double patenting, we will summarily sustain this provisional rejection because appellants have chosen not to address the merits of the rejection, thus providing no argument as to any error in the examiner's position.

Accordingly, the examiner's decision regarding the provisional rejection of claims 1-3, 5-8, 10-13 and 15 under obviousness-type double patenting is affirmed.

Turning now to the rejection of the claims under 35 U.S.C. §103, we will not sustain this rejection as, in our view, the examiner has not established a prima facie case of obviousness.

The examiner points to portions of Brant suggesting distinguishing between commands and non-commands and detecting such (column 6, lines 21-30 and column 2, lines 29-40) but, in the examiner's view, Brant does not specifically teach associating

Appeal No. 2004-0143  
Application No. 09/213,856

the non-command speech terms with an associated command and displaying relevant commands based on the non-command speech term.

The examiner then turns to Morin, specifically Figure 3 and column 15, line 48 through column 16, line 20, for a teaching of recognition of words and presentation of a list of words which corresponds to the beginning words of all valid inputs that are syntactically and semantically correct. The examiner reads this disclosure on the claimed "an associated set of non-command speech terms, each term having relevance to its associated command" (see page 3 of the answer).

The examiner then concludes that it would have been obvious to modify the speech recognition system for recognizing commands, in Brant, to process speech input to determine if the speech input is related to valid commands and then display the relevant system commands, as taught by Morin, "for the purpose of allowing users unfamiliar with available commands of an application to progressively build sentences which will have meaning to the application, as also taught or suggested by Morin at col. 1, lines 15-20" (answer-page 6).

We disagree.

Brant pertains to a voice command and control medical care system whereby a surgeon, for example, may speak commands to generate control signals for operating surgical tools. The surgeon may intermingle actual command words and words with unintended words such as hesitations (column 6, lines 29-30). But, as the examiner

Appeal No. 2004-0143  
Application No. 09/213,856

recognized, Brant provides no disclosure relative to associating the non-command speech terms with an associated command. Brant also clearly does not provide for displaying a relevant command simultaneously with a detected speech command responsive to a detected non-command speech term having relevance to one of the commands.

The examiner relies on Morin to provide for the deficiencies of Brant.

Morin provides a system whereby a user is assisted in acquiring the language of an application by using a dialog context, a dialog model and syntactic-semantic grammars to progressively build commands. The command is built word by word and phrase by phrase, through assistance from the dialog system as needed.

Thus, in Morin, when a word is spoken, following words in the command may be suggested by the dialog system. The examiner may have a point that these suggested following words could be interpreted as having "relevance" to an associated command, i.e., to either the spoken word or to the entire command. However, we find nothing in Morin, in Brant, or in the combination thereof, that would have suggested to the artisan some means for detecting speech command and non-command speech terms, wherein responsive to a detected speech command, the command is displayed, but responsive to a detected non-command speech term having relevance to one of the commands, displaying the relevant command simultaneously with said detected speech command, as claimed. In Morin, if the spoken word is the command and the suggested following

Appeal No. 2004-0143  
Application No. 09/213,856

words are the non-command speech terms having relevance to the associated command word, there really is no "detection" of the non-command speech term because it is automatically displayed in response to a command word by a user. The user is not uttering this non-command speech term, as the examiner is interpreting that term in Morin, because those speech terms are displayed in order to make suggestions, or to help, the user in building a command. Thus, one cannot say that the "non-command speech term" in Morin is "detected."

Moreover, Morin really does not provide for a "speech command" and a separate "non-command speech term" because the speech "command" in Morin really is the complete command constructed with the help of the dialog system, combining the words spoken with the words suggested by the dialog system to make up the complete "command." Accordingly, it is not accurate to identify the spoken words of the user as the "speech command" and the suggested words displayed responsive to those spoken words as "non-command speech terms" having relevance to an associated "command," as claimed.

But, even if, arguendo, we agreed with the examiner's interpretation of Morin, we are not convinced that anything would have led the artisan to make the proposed combination of Brant and Morin. The surgeon in Brant knows exactly the commands to be given for operating the surgical tools. These commands are displayed on the pop-up menu 88 in Figure 7, for example. There would have been no need for a

Appeal No. 2004-0143  
Application No. 09/213,856

"simultaneous" display of "relevant" commands.

The instant claimed invention requires displaying the command responsive to a detected speech command and displaying the relevant command simultaneously with the detected speech command when a non-command speech term having relevance to one of the commands is detected. Neither one of the references nor the combination of references suggests this specific claim limitation.

Thus, the examiner's rejection of claims 1-3, 5-8, 10-13 and 15 under 35 U.S.C. §103 is reversed.

Since we have sustained the rejection of claims 1-3, 5-8, 10-13 and 15 under obviousness-type double patenting, but we have not sustained the rejection of these claims under 35 U.S.C. §103, the examiner's decision is affirmed.

Appeal No. 2004-0143  
Application No. 09/213,856

No time period for taking any subsequent action in connection with this appeal  
may be extended under 37 CFR § 1.136(a).

AFFIRMED

*Errol A. Krass*  
Errol A. Krass )  
Administrative Patent Judge )  
  
*Joseph L. Dixon*  
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Administrative Patent Judge )  
  
*Lance Leonard Barry*  
Lance Leonard Barry ) APPEALS AND  
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EAK/jlb

Appeal No. 2004-0143  
Application No. 09/213,856

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